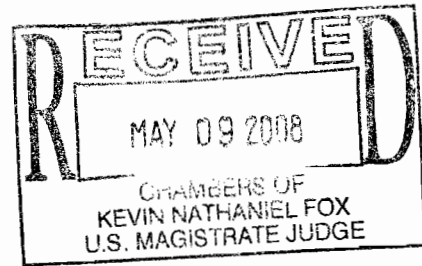


MEMO ENDORSED



MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NEW YORK 10007

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Barry K. Myrvold
Assistant Corporation Counsel
Telephone: (212) 788-9391
Fax: (212) 788-9776
bmyrvold@law.nyc.gov

May 8, 2008

BY HAND

The Honorable Kevin N. Fox
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: Thomas Burke v. The City of New York, et al., 07CV6510(VM)(KNF)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendants City of New York and Dept. of Corrections Commissioner Martin F. Horn in this civil rights case. I am writing on behalf of the parties to jointly request that the settlement conference before Your Honor, now scheduled for May 13, 2008 at 10:30 A.M., be adjourned without a new date, with leave to reschedule same at a later date convenient to the Court.

While the parties are interested in settling this matter and may need the Court's assistance in this regard, at the present time there are a number of disputed issues that need to be resolved before a formal settlement conference would be productive. No previous requests have been made by either party to adjourn the settlement conference. Thank you for your consideration herein.

5/9/08

Application granted.

SO ORDERED:

Kevin Nathaniel Fox

**Hon. Kevin Nathaniel Fox
United States Magistrate Judge**

cc: Scott Cerbin **BY FAX (718) 228-4612**
Attorney for Plaintiff

Respectfully submitted,

Barry K. Myrvold
Barry Myrvold
Assistant Corporation Counsel